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United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

RONALD G. JOHNSON #4532
Chief, Violent Crime Section

NOV 09 2004

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at 10 o'clock and 20 min. A.M.
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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00303 HG
)	
Plaintiff,)	SECOND SUPERSEDING INDICTMENT
vs.)	
)	[21 U.S.C. §841(a)(1); 21
ROBERT GARY EISLER,)	U.S.C. §841(b)(1)(B); 18
)	U.S.C. §922(g)(1); 18 U.S.C.
Defendant.)	§924(a)(2); and 18 U.S.C.
)	§924(e)]

SECOND SUPERSEDING INDICTMENT

COUNT 1

[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)]

The Grand Jury charges:

On or about August 2, 2004, in the District of Hawaii,
defendant, ROBERT GARY EISLER, did knowingly possess with the
intent to distribute five grams or more of methamphetamine, its

salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 2

[18 U.S.C. §922(g)(1) and 18 U.S.C. §924(a)(2)]

The Grand Jury further charges:

On or about August 2, 2004, in the District of Hawaii, defendant, ROBERT GARY EISLER, then being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce a firearm, to wit, a Loewe Berlin Mauser 7 mm rifle bearing serial number H7855.

All in violation of Title 18 United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 3

[18 U.S.C. §922(g)(1) and 18 U.S.C. §924(a)(2)]

The Grand Jury further charges:

On or about August 2, 2004, in the District of Hawaii, defendant, ROBERT GARY EISLER, then being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce ammunition, to wit, 32 rounds of Federal brand 7 mm ammunition and 16 rounds of Remington 7 mm ammunition.

All in violation of Title 18 United States Code,
Sections 922(g)(1) and 924(a)(2).

Sentencing Allegations

1. With respect to Count 1, the defendant knowingly possessed with the intent to distribute 9.07 grams of a methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.
2. With respect to Count 1, the defendant possessed a dangerous weapon (including a firearm).
3. With regard to Counts 2 and 3, Defendant has three convictions (prior to the date of the offense charged - August 2, 2004), in any federal or state court, for either a "violent felony" or a "serious drug offense" as defined in Title 18, United States Code, Sections 924(e)(2)(A)&(B) committed on occasions different from one another.

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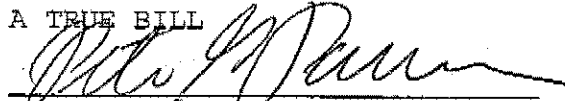
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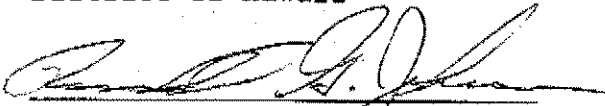
The term "serious drug offense" means an offense under state law, involving manufacturing, distributing, or possessing with intent to distribute a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law.

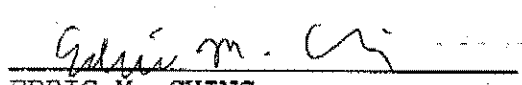
DATED: November 9, 2004, at Honolulu, Hawaii.

A TRUE BILL


FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii


RONALD G. JOHNSON
Chief, Violent Crime Section


EDRIC M. CHING
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United States v. Robert Gary Eisler
Cr. No.
"Second Superseding Indictment"